

16179 U.S. PTO  
07/03/03

PATENT  
Customer Number 22,852  
Attorney Docket No. 06530.0170-05

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

16424 U.S. PTO  
10/612005  
07/03/03

Prior Application Art Unit: 3731

Prior Application Examiner: G. Jackson

SIR: This is a request for filing a

☒ Continuation ☐ Continuation-in-Part ☐ Divisional Application under 37 C.F.R. § 1.53(b) of pending prior Application No. 09/953,428, filed September 17, 2001, of Juergen KORTENBACH for END EFFECTOR FOR USE WITH A FLEXIBLE ENDOSCOPIC SURGICAL INSTRUMENT FOR INVAGINATION AND FUNDOPLICATION.

1. ☒ Enclosed is a complete copy of the prior application including the specification, claims, and drawings, as originally filed. I hereby verify that the attached papers are a true copy of prior Application No. 09/953,428, as originally filed on September 17, 2001, which is incorporated herein by reference.
2. ☐ Enclosed is a substitute specification under 37 C.F.R. § 1.125.
3. ☐ Enclosed is a Request for Non-Publication of Application and Certification Under 35 U.S.C. § 122(b)(2)(B)(i).
4. ☒ Cancel claims 2-109
5. ☐ A Preliminary Amendment is enclosed.
6. ☒ The filing fee is calculated on the basis of the claims existing in the prior application as amended at 4 and 5 above.

|   |                  |   |       |              |           |
|---|------------------|---|-------|--------------|-----------|
| Basic Application Filing Fee                                    |                  |   |       | \$750        | \$ 750.00 |
|   | Number of Claims |   | Basic | Extra Claims |           |
| Total Claims  | 1                | - | 20    | 0 x \$18     |           |
| Independent Claims  | 1                | - | 3     | 0 x \$84     |           |
| <input type="checkbox"/> Presentation of Multiple Dep. Claim(s) |                  |   |       | +\$280       |           |
| Subtotal  |                  |   |       |              | \$ 750.00 |
| Reduction by 1/2 if small entity                                |                  |   |       |              | -         |
| TOTAL APPLICATION FILING FEE                                    |                  |   |       |              | \$ 750.00 |

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7. ☒ A check in the amount of \$ 750.00 for the filing fee is enclosed.
8. ☒ The Commissioner is hereby authorized to charge any fees which may be required including fees due under 37 C.F.R. § 1.16 and any other fees due under 37 C.F.R. § 1.17, or credit any overpayment during the pendency of this application to Deposit Account No. 06-0916.
9. ☒ Amend the specification by inserting before the first line, the following new paragraph: --This is a continuation of Application No. 09/953,428, filed September 17, 2001, which is a continuation of Application No. 09/572,974, filed May 18, 2000, now issued U.S. Patent No. 6,312,437, which is a continuation of Application No. 08/963,523, filed November 3, 1997, now issued as U.S. Patent No. 6,086,600, all of which are incorporated herein by reference.--
10. ☒ New formal drawings are enclosed.
11. ☒ The prior application is assigned of record to: Symbiosis Corporation, Miami, FLORIDA. A copy of the Assignment and Recordation Cover Sheet filed in Application No. 08/963.523 is enclosed.
12. ☐ Priority of Application No., filed on \_\_\_\_\_ in \_\_\_\_\_ is claimed under 35 U.S.C. § 119. A certified copy ☐ is enclosed or ☐ is on file in the prior application.
13. ☐ Small entity status is appropriate and applies to this application.
14. ☒ The power of attorney in the prior application is to at least one of the following: FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER, L.L.P., Douglas B. Henderson, Reg. No. 20,291; Ford F. Farabow, Jr., Reg. No. 20,630; Arthur S. Garrett, Reg. No. 20,338; Donald R. Dunner, Reg. No. 19,073; Brian G. Brunsvold, Reg. No. 22,593; Tipton D. Jennings, IV, Reg. No. 20,645; Jerry D. Voight, Reg. No. 23,020; Laurence R. Hefter, Reg. No. 20,827; Kenneth E. Payne, Reg. No. 23,098; Herbert H. Mintz, Reg. No. 26,691; C. Larry O'Rourke, Reg. No. 26,014; Albert J. Santorelli, Reg. No. 22,610; Michael C. Elmer, Reg. No. 25,857; Richard H. Smith, Reg. No. 20,609; Stephen L. Peterson, Reg. No. 26,325; John M. Romary, Reg. No. 26,331; Bruce C. Zotter, Reg. No. 27,680; Dennis P. O'Reilley, Reg. No. 27,932; Allen M. Sokal, Reg. No. 26,695; Robert D. Bajefsky, Reg. No. 25,387; Richard L. Stroup, Reg. No. 28,478; David W. Hill, Reg. No. 28,220; Thomas L. Irving, Reg. No. 28,619; Charles E. Lipsey, Reg. No. 28,165; Thomas W. Winland, Reg. No. 27,605; Basil J. Lewris, Reg. No. 28,818; Martin I. Fuchs, Reg. No. 28,508; E. Robert Yoches, Reg. No. 30,120; Barry W. Graham, Reg.

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15. ☐ The power appears in the original declaration of the prior application.
16. ☒ Since the power does not appear in the original declaration, a copy of the power in the prior application is enclosed.
17. ☒ Please address all correspondence to FINNEGAN, HENDERSON, FARABOW, GARRETT and DUNNER, L.L.P., 1300 I Street, N.W., Washington, D.C. 20005-3315, **Customer Number 22,852**.
18. ☐ Recognize as associate attorney \_\_\_\_\_
19. ☒ Also enclosed is Information Disclosure Statement w/PTO Form 1449

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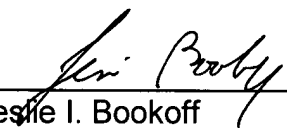
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PETITION FOR EXTENSION. If an extension of time is necessary for the filing of this application, including any additional extension in parent Application No. 09/953,428, filed September 17, 2001, for the purpose of maintaining copendency between the parent application and this application, and such extension has not otherwise been requested, such an extension is hereby requested. The Commissioner is authorized to charge necessary fees for such an extension to our Deposit Account No. 06-0916. A duplicate copy of this paper is enclosed for use in charging the deposit account.

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

Dated: July 3, 2003

By: \_\_\_\_\_

  
Leslie I. Bookoff  
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555346.1

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